

USSN 10/608,751

Page 6 of 8

**REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed January 26, 2005. In the Office Action, the Examiner notes that claims 1-17 are pending of which claims 1-3 are rejected, claims 4-6 are objected to, and claims 7-17 are allowed. By this response, claims 1-3 have been canceled, claim 4 has been rewritten in independent form including all the limitations of the base claim and any intervening claims, and claims 18-20 have been added.

In view of both the amendments presented above and the following discussion, the Applicant submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102.

It is to be understood that the Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to the Applicant's subject matter recited in the pending claims. Further, the Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

**INFORMATION DISCLOSURE STATEMENT**

The Examiner did not consider the reference listed as C1 in the Applicant's IDS of June 27, 2003 titled "An N x N Optical Multiplexer Using a Planar Arrangement of Two Star Couplers" by C. Dragone because a copy was not found with the other references submitted with that IDS. Applicant has included another copy of the reference C1 with this response. Consideration of the reference C1 by the Examiner is respectfully requested.

**ALLOWABLE SUBJECT MATTER**

The Applicant thanks the Examiner for the allowance of claims 7-17.

The Examiner has objected to dependent claims 4-6 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant thanks

337859-1

USSN 10/608,751  
Page 7 of 8

the Examiner for indicating allowable subject matter with respect to these claims and have amended claim 4 to include the limitations of independent claim 1 as suggested by the examiner. Therefore, claims 4-6 are now in condition for allowance. Thus, the Applicant respectfully requests that the Examiner's objection to claims 4-6 be withdrawn.

Claims 18-20 have been added and also includes the allowable subject matter stated by the examiner. It is fully supported by the specification, and no new matter has been included.

### **SECONDARY REFERENCES**

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the Office Action. Therefore, the Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

### **CONCLUSION**

Thus, the Applicant submits that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested

USSN 10/608,751

Page 8 of 8

that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 4/20/05

E J Wall  
Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicants

MOSER, PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808